

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

CONTEMPT PETITION NO.79 OF 2007
IN
WRIT PETITION NO.152 OF 1997
WITH
SHOW CAUSE NOTICE NO.347 OF 2007

M/s. Goldfilled Mercantile Co. ..Petitioner.
Vs.
State of Maharashtra and others ..Respondents.

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Mr. S.R. Ganoo with Mr. M.G. Gawde for the Petitioner.
Ms. Geeta Shastri, AGP for Respondents 1 and 2.
Mr. R.D. Soni i/b Ram & Co. for Respondent No.3.

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CORAM: DR. D.Y. CHANDRACHUD, J.

4th December, 2007.

P.C. :

It is common ground between the learned counsel appearing on behalf of the contesting parties that in pursuance of the order of the Learned Single Judge dated 2nd August, 1996 in Writ Petition 765 of 1996 the State Government was directed to de-requisition the premises within four months and to deliver vacant possession of the premises to the party found to be entitled to such possession in an enquiry under Section 9(3) of the Bombay Land Requisition Act. In pursuance of this direction, the Controller of

Accommodation passed an order on 6th December, 1996 holding that the possession will be handed over to the Petitioner. The Third Respondent which is a public charitable trust challenged the order in writ proceedings and the Writ Petition (Writ Petition 152 of 1997) was admitted by the Division Bench on 6th March, 1997 and a direction was issued to the Controller of Accommodation and the State to place the Third Respondent herein in possession of the de-requisitioned premises. This was subject to the undertaking of the trust to handover the possession to the person so decided by the Court at the final disposal of the Petition. The Writ Petition was dismissed in default on 27th September, 2005 and the interim relief was vacated. Thereupon a notice was issued to the Third Respondent and possession was taken by the First Respondent. The Third Respondent has taken out a Notice of Motion for the restoration of the Petition which has been dismissed in default. In the meantime, possession has been handed over to the Petitioner in compliance with the directions of the Learned Single Judge dated 2nd August, 1996. In that view of the matter, the Contempt Petition will not survive. The show cause notice is accordingly discharged. However, while disposing of the Contempt Petition, it would be needless to clarify that this order shall not amount to any

observation on the merits in respect of the proceedings that have been initiated by the Third Respondent for the restoration of the Petition which was dismissed in default. The Contempt Petition is accordingly disposed of.